

Atty. Ref. No. 81.010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Corbett T. Hefner	Art Unit:	3727
Serial No.:	09/835,933	Examiner:	Hylton, Robin A.
Filing Date:	April 16, 2001	Conf. No.:	9053
Title:	<i>Composite Breathable Produce Bag</i>		
Atty. Docket:	81.010	Cust. No.:	23598

DECLARATION OF CORBETT HEFNER UNDER 37 C.F.R. § 1.132

Mail Stop FEE AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Corbett Hefner, declare as follows:

1. I am the inventor of the subject matter of the above-captioned patent application. I am familiar with that application and its claims
2. I am Plant Manager for Plaspac U.S.A., Inc., the assignee of the above-captioned patent application. I have been employed in that capacity for eight years and have twelve years of experience in designing and manufacturing mesh and film bags. I also hold a Bachelors of Science degree in Bio-agricultural Science. I consider myself skilled in the art of bag manufacturing.
3. I have reviewed ES 1,033,033 to Huertas. ("the Huertas patent"), which was cited in the Office Action mailed December 30, 2005; U.S. Patent 6,030,120 to Fox et al. ("the Fox patent"); and U.S. Patent 4,715,167 to Savigny ("the Savigny patent").
4. While employed by Plaspac U.S.A., Inc., located in Antigo, Wisconsin, I, conceived and reduced to practice a bag described and claimed in the above-identified application. I also tested that bag as well as prior art bags lacking the reinforcing strip configured as disclosed and claimed in the above-captioned patent application. Those tests are disclosed at pages 19-20 of the above-captioned patent application.

Declaration of Corbett Hefner Under 37 CFR §1.131
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5. Based on my experience as one of ordinary skill in the art, I would have expected bags constructed in accordance with the claims of the above captioned invention to exhibit a 10-15% drop in failure rate as compared to other prior art bag constructions. Instead, none of 400 bags I tested failed.

6. The zero failure rate of tested bags constructed according to the present invention was wholly unexpected. I believe that others skilled in the art would also consider the dramatic drop in failure to be unexpected.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,



Corbett Hefner

Dated: 6/29/2006